

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS C. SHRADER,
Plaintiff,

v.

M. ARVIZA,
Defendant.

No. 1:22-cv-01413-DAD-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION BROUGHT UNDER 28 U.S.C.
§ 1361

(Doc. No. 13)

Plaintiff Thomas C. Shrader is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of mandamus pursuant to 28 U.S.C. § 1361. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 20, 2024, the assigned magistrate judge issued findings and recommendations recommending that the pending § 1361 petition be dismissed because “[p]laintiff admits on the face of his Petition that [he] did not exhaust his administrative remedies prior to filing this case,” as is required. (Doc. No. 13 at 3–5.) Further, the magistrate judge explained that even if plaintiff’s pleading is construed as seeking injunctive relief against the warden of Federal Correctional Institution – Mendota in an action brought under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), that requested remedy has been rendered moot by plaintiff’s transfer to a different correctional institution. (*Id.* at 5–6.) Those pending findings and recommendations were served on plaintiff and contained

1 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
2 6.) To date, no objections to the pending findings and recommendations have been filed, and the
3 time in which to do so has now passed.

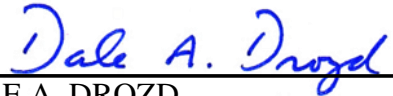
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on February 20, 2024 (Doc. No. 6) are
9 adopted in full;
- 10 2. This action is dismissed due to plaintiff's failure to exhaust administrative
11 remedies; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: April 16, 2024

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16 DALE A. DROZD
17 UNITED STATES DISTRICT JUDGE
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